

REMARKS

The Official Action June 13, 2008, and the references cited therein have been carefully considered. The Applicant respectfully requests reconsideration of the application in view of the foregoing amendments and the following remarks. The claims have been amended to be directed to the elected invention. Due to extensive amendments in the claims, for convenience and accuracy in entering the amendment, Claims 1-19 have been canceled in their entirety and rewritten as new Claims 38-46. Claims 20-37 have been canceled without prejudice.

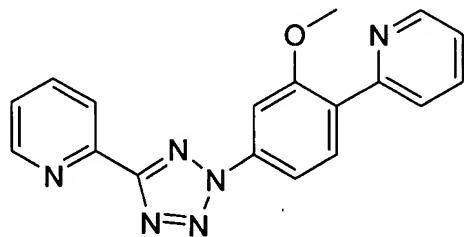
Claims 38- 46 are pending in the application.

1. Restriction Requirement

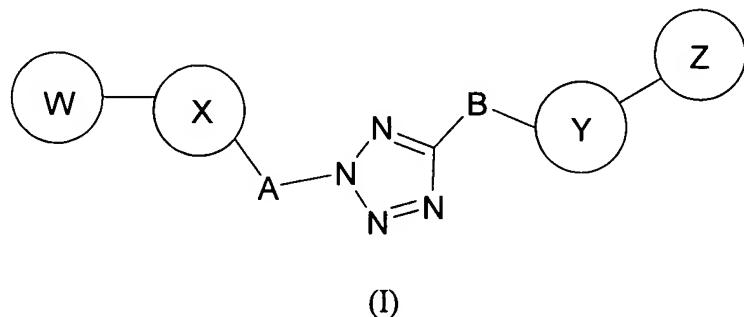
Under 35 U.S.C. 121 and 372, the Examiner previously required additional restriction between Group I and Group II.

In the interest of compact prosecution, Applicants affirm their election of Group I and have amended the claims to be directed to the elected invention. This election is being taken without prejudice to the filing of a divisional application directed to the non-elected subject matter. In accordance with the third sentence of 35 U.S.C. § 121, a patent issuing from the instant application should not be a reference against a divisional application filed before the issuance of such patent.

The Examiner further required an election of species. Applicants affirm their election of the compound of Example 26 (page 56) and Claim 16, page 134, 3<sup>rd</sup> line, 3<sup>rd</sup> column, without traverse:



With reference to Formula (I):



(I)

the elected compound of Example 26 reads on Formula (I) wherein: A is C<sub>0</sub> alkyl, B is C<sub>0</sub> alkyl, X [on the tetrazole nitrogen atom] is phenyl, and Y [on the tetrazole carbon atom] is 2-pyridyl. In response to the Examiner's requirement, Applicants have amended the claims accordingly to cancel the non-elected subject matter.

This election is being taken without prejudice to the filing of a divisional application directed to the non-elected subject matter. In accordance with the third sentence of 35 U.S.C. § 121, a patent issuing from the instant application should not be a reference against a divisional application filed before the issuance of such patent.

Objection to Non-Elected Subject Matter

Claims 1-18 stand objected to as containing non-elected subject matter. In view of the foregoing amendments, the claims have been amended to be directed to the elected subject matter and the objection to the claims should be withdrawn.

Applicants respectfully contend that the application is allowable and a favorable response from the Examiner is earnestly solicited.

Respectfully submitted,

By

  
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